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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,976	03/25/2004	Steve M. Johnson	4020M	7033
7590 10/18/2005			EXAMINER	
S. Michael Bender P.O. Box 530399 St. Petersburg, FL 33747			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/808,976	Applicant(s) JOHNSON ET AL.	
	Examiner Gary L. Welch	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed 27 June 2005, has been reviewed and considered. Claims 1, 4, 5, 9 and 12 are amended with claims 1-18 currently pending.

Applicant traverses the prior art rejections presented in the first Office Action in view of the amended claims.

Applicant does not believe that Lonon (U.S. 5,003,637) anticipates amended claim 1. Claim 1 was amended to include the recitation "wherein said first article retention means include a first article retention pouch so constructed and arranged to retain therein a game call member capable of being sounded when hit or scratched by a friction member".

Examiner's Response: The examiner does not believe the amended recitation to claim 1 defines over the prior art to Lonon. While the glove and pouch of Lonon does not disclose a game call device, the glove and pouch is capable of retaining a game call device. The amended recitation does not offer any structure that further limits the structure of the glove. The glove of Lonon is capable of retaining a game call device. Therefore, the previous rejections presented in the first Office Action are maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lonon (U.S. 5,003,637).

Lonon discloses an article retention apparatus 2 having a glove portion 1, a first article retention means 2 which includes a first retainer closer 2a and a glove to retainer connection means (3, 4).

With regard to claim 2, the glove to retainer connection means (3, 4) is located on the backside of glove 1 so as to enable positioning of the first article retention means 2.

With regard to claim 7, the first retainer closure means 2a is made from hook and loop material.

With regard to claim 8, a second article retention means 5 is connected to the first article retention means 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonon (U.S. 5,003,637).

Lonon discloses the invention substantially as claimed above.

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However, Lonon does not disclose that the glove to retainer connection means includes stitching between the first article retention means and the backside of the glove. Lonon teaches complimentary hook and loop fastening connectors (3, 4).

It is well known in the art that various types of fastening mechanisms are functionally equivalent. Hook and loop, stitching, elastic band, button and buttonhole, hook and catch, snaps and adhesive are a few examples. These fasteners may be used interchangeably depending upon the desired aesthetic effect. Further, the specification does not give an indication of why stitching would be desirable over another fastener type.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the complimentary hook and loop fastening connectors (3, 4) of Lonon with stitching since it is well known that stitching is functionally equivalent to hook and loop connectors.

With regard to claim 4, the first article retention means 2 is a pouch having hook and loop connector 2a as a first retainer closure means. Additionally, Lonon discloses that other closure means such as snaps and zippers are interchangeable with the hook and loop closure means (Figures 6 and 7).

It is well known in the art that various types of fastening mechanisms are functionally equivalent. Hook and loop, stitching, elastic band, button and buttonhole, hook and catch, snaps and adhesive are a few examples. These fasteners may be used interchangeably depending upon the desired aesthetic effect. Further, the

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specification does not give an indication of why an elastic band would be desirable over another fastener type.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the complimentary hook and loop fastening connector 2a of Lonon with an elastic band since it is well known that elastic bands is functionally equivalent to hook and loop closures.

With regard to claim 5, the first article retention pouch 2 is an elastic frame since it is shaped as a box container having a plurality of sides defining an interior volume. The pouch is fabricated from cloth or leather which is flexible and has elastic properties.

6. Claims 9, 10 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonon (U.S. 5,003,637) in view of Herzog (U.S. 5,365,609).

Lonon discloses the invention substantially as claimed above.

However, Lonon does not disclose a second article retention pouch.

Herzog teaches a glove having first and second article retention pouches on the backside of the glove. The first article retention pouch 22 is positioned on top of the second article retention pouch 20. This arrangement enables a wearer of the glove to position multiple and different objects on the back of the gloved hand in an overlapping manner.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a second article retention pouch as taught by Herzog to the first article retention pouch of Lonon so as to enable the wearer to position multiple and different objects on the back of the gloved hand.

With regard to claim 10, the second article retention pouch 20 includes a plurality of pouch compartments 54.

With regard to claim 12, Herzog does not disclose a third article retention pouch. As stated above, Herzog provides multiple pouches. One of ordinary skill in the art would have found it obvious to provide a third pouch in addition to the two pouches so as to provide additional storage.

With regard to claim 13, flexible hinge members (not numbered in Herzog but shown in Figure 3) is provided so as to enable the flap and pouches to be repositioned when the glove is donned and doffed.

With regard to claim 14, the hinge members are connected at hinge rotation regions.

With regard to claim 15, the hinge members are connected to a side edge of a glove portion.

With regard to claim 16, lock means 18 is provided for locking the first article retention pouch to the backside of the glove.

With regard to claim 17, the lock means 18 is a lock tab.

With regard to claim 18, the lock tab includes hook and loop connectors (38, 44).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lonon (U.S. 5,003,637) in view of Herzog (U.S. 5,365,609) as applied to claim 10 above, and further in view of Shin (U.S. 6,205,588)

Lonon and Herzog discloses the invention substantially as claimed above.

However, they do not disclose that the pouch compartments have open top and bottom ends.

Shin teaches a device having multiple pouches for accepting golf tees. The pouches have open top and bottom ends so as to enable the golfer to insert the golf tee from either side (Col. 2, lines 58-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the pouch compartments of Herzog to have both open top and bottom ends so as to enable the golfer to insert golf tees from either side.

Conclusion

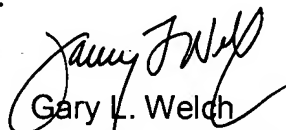
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Agee '683, Turner et al. '808, Timberlake et al. '000 and Westmoreland '311 disclose various hand coverings for retaining a game call device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw